

FEB 14 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KYLE GREGORY NONNEMAN,

Defendant - Appellant.

No. 07-30185

D.C. No. CR-05-00142-AJB

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Oregon  
Anna J. Brown, District Judge, Presiding

Submitted February 5, 2008  
Portland, Oregon

Before: RYMER, T.G. NELSON, and PAEZ, Circuit Judges.

Kyle Gregory Nonneman appeals the district court's sentence imposed on revocation of his supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742. We affirm the district court's sentence.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

In imposing a sentence, the district court does not have the power to order the Bureau of Prisons to provide Nonneman with a mental-health treatment program. *See* 18 U.S.C. §§ 3621, 4001, 4042; 28 C.F.R. § 0.96; *Downey v. Crabtree*, 100 F.3d 662, 670-71 (9th Cir. 1996).

AFFIRMED.